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REMARKS

Claims 1-20 are pending in the above application. Claims 1-3, 5-6, 8-15 and 17-19 stand rejected under 35 U.S.C. §102 as being anticipated by Walter, U.S. Patent No. 5,999,604. Claims 4, 16 and 20 stand rejected under 35 U.S.C. §103 as being unpatentable over Walter in view of Burke, U.S. Patent No. 6,356,628. According to the Office Action, it would have been obvious to modify the system and method of Walter to include a filter as taught by Burke for sorting the CDRs according to calling card type calls. Finally, Claim 7 stands rejected under 35 U.S.C. §103 as being unpatentable over Walter in view of Rail, U.S. Patent No. 5,680,611. According to the Office Action, it would have been obvious to modify the system and method of Walter to use a date range as taught by Rail for grouping CDRs according to the current month or previous month.

With regard to the rejections under 35 U.S.C. §102, the Applicants submit that independent claims 1 and 12, as amended, are novel notwithstanding the Walter reference because the present claims and the prior art differ. In particular, each of claims 1 and 12 require that the plurality of CDRs first be sorted according to a carrier identification field, which the Walter reference does not disclose or suggest. The Walter reference discloses a system and method for managing a telecommunications network through near real-time analysis of call detail records. More specifically, the Walter reference is concerned with quickly analyzing call detail records to detect and report hardware or software failures within a communications network. In particular, the Walter reference is concerned with the ratio of answered calls to call attempts (seizures) to monitor the answer/seizure ratio at a particular switch or network device. This ratio is closely monitored to detect any fall-off in call service performance for a particular network device. Importantly, in all instances in the Walter reference, the "plurality of CDRs are grouped into a plurality of first subgroups according to corresponding network devices and to the time at which they were produced." (Col. 2, lines 44-47). The Walter system does not sort the CDRs by anything analogous to a carrier

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identification field. Rather, by monitoring the CDRs at the switch level, the method allows a user to quickly identify any particular calling area for which a high number of failed calls are occurring. (Col. 6, lines 54-56).

In contrast, the present invention is particularly well-suited for generating network usage reports from call detail record files. These reports are only periodically generated, such as weekly or monthly. More specifically, the present system and method can be advantageously used to generate billing and usage records for long distance calling card providers. In this regard, each of independent claims 1 and 12 require that the call detail records first be sorted according to the long distance service provider, i.e., the carrier identification code. Such reports need not be generated in real-time or near real-time. Rather, such reports are only generated in response to a user request from a remote terminal as required in claim 1, or in response to a user access server as required by claim 12. This would typically occur daily, weekly or monthly. Accordingly, the Applicants submit that independent claims 1 and 12 are novel notwithstanding the Walter reference because each claim requires several feature which are not disclosed or suggested in the Walter reference.

Applicants traverse the suggestion in the Office Action that the Walter reference teaches the first sorting field being a carrier identification field. The citation to column 2, lines 44-47 and column 4, lines 14-22 makes it clear that Walter is only concerned with sorting the CDRs first according to the switch from which they are received and their respective time stamps. Accordingly, for at least these same reasons, the Applicants submit that dependent claims 2, 3, 5-6, 8-11, 13-15, and 17-19 are novel.

For the same reasons, Applicants submit that claims 14, 16 and 20 are non-obvious in view of Walter and Burke because the combination of references fails to disclose or suggest each and every limitation of claims 4, 16 and 20. Moreover, the Applicants traverse the suggestion in the Office Action that one of skill in the art would be motivated to modify the Walter reference in view of Burke as the Office Action suggests. As mentioned above, the Walter reference is primarily concerned with near

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real-time analysis of the operability of a telecommunications network. Thus, the Walter system is concerned with identifying software or hardware failures within the network quickly such that they can be addressed. System usage for calling card carriers is not a concern of the Walter system or method. The fact that one of skill in the art has the capabilities to arrive at the invention is not the test for whether one of skill in the art would have arrived at the invention based on the teachings of the prior art. *Ex parte Levengood*, 28 USPQ2d 1300, 1301-02 (Bd. Pat. App. Int. 1993). The focus must remain on what the prior art suggested to one of skill in the art at the time the invention was made. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §103 be withdrawn as the suggested modification of the Walter reference would not present itself to one of skill in the art, and obviousness cannot be established by combining pieces of prior art absent some teaching, suggestion or incentive supporting the combination. *In Re Geiger*, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987).

For similar reasons, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. §103 be withdrawn. Again, the Walter reference is concerned with near real-time analysis of the telecommunications network. The Walter reference does not suggest generating usage reports on a delayed basis such as daily, weekly, monthly, quarterly, or yearly as provided in claim 7.

In view of the foregoing amendments and remarks, the Applicants submit that claims 1-4 and 6-20 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

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